

REMARKS

In the Restriction Requirement dated October 8, 2008, the Examiner indicated that the Amendment filed August 1, 2008, has been considered but is deemed moot because of the Restriction Requirement. By this Amendment, claims 1-5, 7-13, 16, 19 and 59 have been amended to improve form and claims 20-43 and 54-58 have been canceled without prejudice or disclaimer. New dependent claims 60-71 have been added. Claims 1-5, 7-14, 16, 19 and 59-71 are now pending.

In the Restriction Requirement (at page 3) the Examiner states:

“Claims 1-5, 7-14, 16 and 19, drawn to for searching stored data based on the one or more search queries to results, where the identified results are orderable by one or more search characteristics, providing a document that includes a multi-dimensional graph of the identified results at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph, which is data or document searching, classified in class 707, subclass 3.”

“Claims 54-58, drawn to for causing additional information associated with one identified results to be displayed when a cursor is located over the visual representation that represents the one identified result, which is graphical user interface with tool tip with cursor position based display, classified in class 715, subclass 711.”

“Claim 59, drawn to for searching stored data based on the one or more search query to identify product results and proving product results, which is providing product item, classified in class 705, subclass 27.”

Applicants hereby elect Group I, including claims 1-5, 7-14, 16 and 19 without traverse. Applicants have also amended independent claim 59 to be included in Group I.

Claims 1-5, 7-14, 16 and 19 were previously rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Roberts et al. Applicant respectfully traverses this rejection with regard to the claims presented herein.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Roberts et al. does not disclose or suggest the combination of features recited in claims 1-5, 7-14, 16 and 19.

Amended independent claim 1 is directed to a method performed by a device, comprising: receiving, from a user, one or more search queries that include one or more search terms; receiving, from the user, information associated with one or more search characteristics; searching stored data, based on the one or more search terms, to identify results; and providing a document that includes a multi-dimensional graph of the identified results, at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph, where one of the identified results is represented by an image on the multi-dimensional graph.

Roberts et al. does not disclose or suggest receiving, from the user, information associated with one or more search characteristics and providing a document that includes a multi-dimensional graph of the identified results, at least one of the one or more search

characteristics being represented as a dimension on the multi-dimensional graph, as now recited in claim 1.

Roberts et al. discloses displaying search results using graphical elements, where the size or proximity of a graphical element represents the relevance of the search result (see Abstract and paragraphs 31-35). Roberts et al. further discloses, in paragraph 25, using search options 202 (as shown in Fig. 2, which are buttons associated with types of television programs, such as, "Action," "Comedy," "Kids," "News" and "Sports") to generate a results list 205 and a graphic 201, representation of the results. As Roberts et al. discloses searching with these options, which do not become dimensions on a graph, and displaying the results using relevancy as a dimension on a graph, Roberts et al. does not disclose or suggest using a search characteristic (received from a user) as a dimension on the multi-dimensional graph, as required by claim 1. Therefore, Roberts et al. does not disclose or suggest receiving, from the user, information associated with one or more search characteristics and providing a document that includes a multi-dimensional graph of the identified results, at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph, as now recited in claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 is would not be anticipated by Roberts et al. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2-5, 7-14 and 16 depend from claim 1. Therefore, Applicant submits that these claims are allowable for at least the reasons as set forth above with respect to claim 1.

Amended independent claims 19 and 59 now recite features similar to, but of different scope than, features recited in claim 1. For reasons similar to those discussed above with respect

to claim 1, Applicant submits that claims 19 and 59 would not be anticipated by Roberts et al. Accordingly, allowance of claims 19 and 59 are respectfully requested.

New dependent claims 60-71 depend from claims 19 and 59. Therefore, Applicant submits that claims 60-71 are not anticipated by Roberts et al. for at least the reasons given with respect to claims 19 and 59.

As Applicant's amendments with respect to the Examiner's rejections are sufficient to overcome previous rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of the present application and a timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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